

Provisions of the "Family Educational
Rights and Privacy Act of 1974"

Sec. 438(a)(1) No federal funds to any school which prevents parents from examining all school records on their children.

(2) Parents shall have the opportunity for a hearing to challenge contents of school records.

(b)(1) No federal funds to any school which has a policy of permitting the release of personally identifiable records or files of students, without written consent of the parents to any individual or agency, other than

(A) other school officials with legitimate interest

(B) official of a school to which student is applying for admission

(C) representatives of Comptroller General, HEW, other education agency

(D) in connection with student's application for financial aid

→ (2) No federal funds to any school which has a policy or practice of furnishing any personally identifiable information contained in personal school records, except those above [(b)(1)(A)-(D)], unless

(A) written consent from parents specifying records to be released, and to whom, and reasons for release, or

(B) information is released pursuant to judicial order

(3) Nothing in this section shall preclude responsible authorities from conducting an audit.

→ (4)(A) With respect to sections (b)(1)-(b)(3), all persons desiring access to records shall be required to sign a form in the student's file, stating the legitimate purpose of reviewing the student's records. Form shall be available for inspection by student or parent.

→ (4)(B) Personal information shall only be made available to a third party on the condition that the person granted access will not transfer the information to any other person, without student's or parent's consent.

(c) HEW shall adopt regulations to protect privacy of students and families in connection with survey or data-gathering activities.

→ (d) Consent required in this section of parents shall only be required of students, if the student is 18 years old or is taking post-secondary education.

(e) No federal funds unless recipients inform parents and students of their rights under this section.

(f) HEW shall take necessary action to enforce.

(g) HEW shall establish an office to review and adjudicate alleged violations.

Section shall become effective 90 days after enactment (November 19).